

Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
DENYS IARMAK,
Defendant.

NO. CR19-257RSM

**AMENDED ORDER CONTINUING
TRIAL DATE AND PRETRIAL
MOTIONS DEADLINE**

THE COURT, having considered the Stipulated Motion to Continue Trial Date and Deadline to File Pretrial Motions, any responses, filings, or memoranda related thereto, and all the files and records herein, finds as follows:

1. This Order amends and supersedes the Court's July 13, 2020 Order (Dkt. #31);

2. The facts and circumstances are as set forth in the Stipulated Motion to Continue Trial Date and Deadline to File Pretrial Motions (Dkt. #30), and this Court's General Orders, Nos. 01-20, 02-20, 03-20, 04-20, and 07-20;

3. Denys Iarmak has filed a waiver of his Speedy Trial rights and consents to the exclusion of the period between June 19, 2020 and September 1, 2021 from the Speedy Trial calculation;

1 4. Failure to grant a continuance in this case will deny counsel the reasonable
2 time necessary for effective preparation of trial and other pretrial proceedings, taking into
3 account the exercise of due diligence;

4 5. Failure to grant a continuance would likely result in a miscarriage of
5 justice, and the case is complex due to such factors as the nature of the prosecution, the
6 potential novel questions of law and fact, the size, scope, and technical nature of
7 discovery, the foreseeable trial evidence, availability and continuity of counsel, the
8 potential serious consequences of conviction, and significant complications arising from
9 the ongoing and developing COVID-19 outbreak;

10 6. The ends of justice served by granting this continuance outweigh the best
11 interest of the public and the defendants in a speedy trial;

12 7. All these findings are made within the meaning of 18 U.S.C.
13 § 3161(h)(7)(A) and (B)(i),(ii) and (iv); and

14 8. The period of time from the filing date of the Stipulated Motion to
15 Continue Trial Date and Deadline to File Pretrial Motions until the new trial date, set
16 forth below, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C.
17 § 3161(h)(7)(A).

18 IT IS THEREFORE ORDERED that:

19 1. The trial in this matter is continued to September 13, 2021.

20 2. Pre-trial motions are due no later than May 7, 2021. Any pretrial motion
21 shall be noted for consideration on the third Friday after it is filed, with any response
22 thereto due no later than 14 days after filing of motions.

23 DONE this 15th day of July, 2020.

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25 RICARDO S. MARTINEZ
26 CHIEF UNITED STATES DISTRICT JUDGE
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Presented by:

s/Francis Franze-Nakamura

STEVEN MASADA

FRANCIS FRANZE-NAKAMURA

Assistant U.S. Attorneys